

4. Any financial relationship between BRMC and V&S Medical Associates and/or Drs. Saleh and Vaccaro fits within applicable safe harbors promulgated by the Office of Inspector General of the federal Department of Health and Human Services, 42 C.F.R. § 1001.952, and thus does not violate the so-called Anti-Kickback statute, 42 U.S.C. § 1320a-7b.
5. BRMC made no certifications of compliance with the Stark Law or Anti-kickback statute when it submitted claims to Medicare, Medicaid or any other federal health care program.
6. BRMC has not violated the False Claims Act.
7. The pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, demonstrate no genuine issue as to any material fact.
8. BRMC is entitled to a judgment as a matter of law.

WHEREFORE, for the reasons stated above, as more fully explained in BRMC's Memorandum in Support of this Motion, it is respectfully requested that this Motion be granted and that the Relators' Complaint be dismissed, with prejudice.

September 10, 2008

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date he served the following with a copy of the foregoing Motion for Summary Judgment by e-mail via the Court's ECF system and by first class United States mail, addressed as follows:

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September 10, 2008



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